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Marlene H. Dortch, Secretary
Federal Communications Commission
Washington, DC 20554

Re: Written *Ex Parte* Communication
GN Docket No. 12-268

Dear Ms. Dortch:

This letter is submitted in the above-captioned proceeding by **CP Communications, LLC** ("CPComms") in response to a report filed on December 23, 2013, of an oral *ex parte* presentation on December 19, 2013, by the Public Interest Spectrum Coalition ("PISC") to Roger Sherman, Chief, and Brian Regan and Jessica Almond of the **Wireless Telecommunications Bureau**. CPComms is a major service provider to industries which include television and entertainment program production, among others, and deploys complex wireless systems, including wireless microphones, at fixed venues; at major periodic events like sports championships, concerts, and theatrical productions; and at unforeseen events which occur on short notice, such as breaking news.

CPComms appreciates the growing awareness of public interest-oriented groups like the PISC of the importance of wireless microphones to the successful staging of entertainment, sports, religious, and other events where members of the public gather and audio distribution and/or amplification are needed. However, the PISC presentation does not adequately recognize distinctions the Commission must make between licensed and unlicensed wireless microphone use, professional and non-professional deployment, and indoor and outdoor venues.

Marlene H. Dortch, Secretary
January 3, 2014
Page 2

While unlicensed wireless microphones are widely deployed throughout the nation and operated under Part 15 of the Commission's Rules, many such wireless systems are licensed under Part 74. Part 74 licensed devices are used by professionals in the production of video programming, motion pictures, and fast-breaking news and other events consumed by most of the American public. Many parties have repeatedly stressed to the Commission how critical these devices are to the entertainment, journalism, and sports communities, and there has been no meaningful challenge to the importance of these wireless microphones.

Part 74 devices are licensed, and Section 73.832(a) of the Commission's Rules restricts eligibility to limited categories of professional users. Under Section 74.803(b), "usage is secondary to TV broadcasting and land mobile operations operating in the UHF-TV spectrum," but nothing else. In contrast, unlicensed microphones are secondary to all licensed services and also must not interfere with other unlicensed services. Section 15.5(b) states that "[o]peration of an intentional, unintentional, or incidental radiator is subject to the conditions that no harmful interference is caused and that interference must be accepted that may be caused by the operation of an authorized radio station, by another intentional or unintentional radiator, by industrial, scientific and medical (ISM) equipment, or by an incidental radiator." Section 15.216 requires an explicit warning to consumers about secondary status.

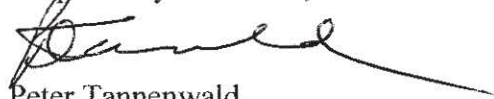
Television Band ("White Spaces") Devices are authorized under Subpart H of Part 15 and are thus secondary to all licensed services. As enthusiastic as White Spaces proponents may be, there is no basis in the Commission's Rules or the history of this proceeding for granting these devices equal status with Part 74 licensed wireless microphones, for downgrading the status of Part 74 licensed operations, or for restricting Part 74 facilities in any way to accommodate Part 15 unlicensed devices. Like other licensed entities, Part 74 licensees must be permitted to register their venues and scheduled events in the White Spaces geolocation database without being limited to two reserved channels or barred from or reduced to secondary status on any other TV-band channels, including Channel 37 when there is no risk to radio astronomy.

As the PISC properly observes, unlicensed wireless microphones are widely used and play a highly important role in the nation's socio-economic structure. They really do need reserved channels, because the techniques available for maximizing efficient use of spectrum, such as operating co-channel to TV stations from whose signal the devices are shielded in some way, require a high level of sophistication to apply and can often succeed only at indoor venues. They also require flexibility to move among available vacant spectrum slots which may change from time to time. Unlicensed users are usually not equipped to search for and move to different channels from time to time, nor are they accustomed or should they be expected to avoid outdoor operation. Setting these non-professional users up to compete with highly complex White Spaces database management systems will invite frequent occurrences of interference that users will not expect and that will make both parties unhappy.

Marlene H. Dortch, Secretary
January 3, 2014
Page 3

Of course, as the PISC filing indicates, all 600 MHz spectrum should be available to licensed and unlicensed services during the time period before it is actually deployed by auction winners. However, the existing regulatory hierarchy must be preserved, with Part 74 licensed systems operated by professionals continuing to have priority over all Part 15 unlicensed operations. A change in that hierarchy would have fundamental implications for spectrum use in many contexts and should not be part of this proceeding.

Respectfully submitted,



Peter Tannenwald
Counsel for CP Communications, LLC

cc: Roger Sherman, Chief, WTB
Brian Regan, WTB
Jessica Almond, WTB
Michael Calabrese, Wireless Future Project
(by e-mail)